

## **CHAPTER 370: CLAIMS AGAINST THE STATE OF MONTANA**

### **CONTENTS**

<b>371</b>	<b>CLAIMS AGAINST THE STATE OF MONTANA .....</b>	<b>370-2</b>
	A. Contractor Claims .....	370-2
	B. Employee Claims .....	370-2
	C. Tort Claims .....	370-3

## 371 CLAIMS AGAINST THE STATE OF MONTANA

The State of Montana has a general liability self-insurance program (Title 2, Chapter 9, Part 2, MCA) administered by the Tort Claims Division, Department of Administration, 1625 11<sup>th</sup> Avenue, Helena, MT 59620; telephone (406) 444-2421. Their website can be found at: <https://rmtd.mt.gov/claims/agenciesreportclaims>

### A. Contractor Claims

See Appendix of this manual for the A-56 Guidelines for Incident Claims Handling, A-57 Contract Claims Worksheet, and the A-58 Contract Claims Determination & Findings form.

### B. Employee Claims

Employee claims from regular State employees and EFFs must be submitted through the home unit for processing. Claims will be processed according to the A-56 Guidelines for Incident Claims Handling listed in the Appendix, the NRCG supplement to Chapter 70 in the SIIBM, and the procedures as noted below.

See the Appendix A-59 for suggested guidelines of personal possessions allowable for claim reimbursement.

#### **Procedure for Processing Employee/EFF Claims:**

An employee may fill out the AD-382 or DI-570 Employee Claim form. If these forms are not available, any format containing the same requested information is acceptable.

The claim must be submitted to and approved in writing by the incident. This approval must be obtained from the incident Line Officer or his/her designee.

If the item is to be repaired, the employee must obtain two estimates for repair. If the item is to be replaced, the employee must provide the original purchase receipt showing the date of purchase and amount paid. If the receipt is no longer available, the employee may provide a copy of a catalog description or advertisement (example – Amazon.com) for the same or like item.

The completed claim form, and incident approval, along with the original purchase receipt/catalog description, or repair estimates can then be submitted to the home unit for final processing. The home unit approver must be on the DNRC Authorized Signer's List.

- If the claimed item for replacement is more than 2 years old, the home unit may take depreciation of the item's value into consideration if providing reimbursement via a Travel Expense Voucher (TEV). Adjusted amounts must be documented.

- If the item was new (or less than 2 years old), and the employee has the original receipt for the claimed item, a TEV can be completed with the receipt, and all other claim documentation attached. The incident name and number must be written on the TEV.
- If original receipts are not available, items may be replaced as noted below:
  - If the employee has a Pro-Card, approved replacement items may be purchased via the Pro-card. Each purchase receipt must have the incident number noted on it for reconciliation. Attach all documentation as to make a complete documentation package for record purposes when submitting the Pro-Card statement for payment.
  - If the employee does not have a Pro-Card, approved replacement items can be purchased by the employee's Supervisor or his/her designee using their Pro-card, or the employee may submit a TEV if purchased personally. Attach all documentation as noted above.
- If the item is to be repaired, the repair may be paid for via Pro-card, or by submission of a TEV, as long as the final repair cost is in alignment with the approved estimate. Costs over the estimate are to be paid for by the employee without reimbursement. Attach all documentation as to make a complete documentation package for record purposes when submitting the Pro-Card statement for payment.

### **C. Tort Claims**

Refer to the Guidelines for Incident Claims Handling in the Appendix A-56.